

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**PRUDENTIAL INSURANCE COMPANY
OF AMERICA,**

Plaintiff,

vs.

MICHAEL J. LUCAK-BREWER, et al.,

Defendant.

) **CASE NO. 1:19-cv-01621**
)
) **JUDGE DAN AARON POLSTER**
)
) **OPINION AND ORDER**
)
)
)

This case is before the Court on the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg (“R&R”), **Doc #: 20**. The Magistrate Judge recommends that Michael Lucak-Brewer’s (“Brewer”) motion to dismiss on venue grounds, **Doc #: 12**, be denied.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1) (emphasis added). In this case, the R&R was issued on November 27, 2019. It is now December 16, 2019, and Brewer has yet to file any written objection to the R&R. The failure to timely file written objections to an R&R constitutes a waiver of a *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Despite the lack of objections, the Court has reviewed the Magistrate Judge's thorough, well-written R&R, and agrees with the Magistrate Judge's findings. Therefore, the Court **ADOPTS** the R&R, **Doc #: 20**. Accordingly, the Court hereby **DENIES** Brewer's motion to dismiss on venue grounds, **Doc #: 12**. Brewer's motion to dismiss for failure to state a claim, Doc #: 12, remains pending.

IT IS SO ORDERED.

/s/ Dan A. Polster December 16, 2019
Dan Aaron Polster
United States District Judge